

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN JAMES MASSENGILL,

Plaintiff,

Case No. 11-12642

v.

Hon. John Corbett O'Meara

UNITED STATES OF AMERICA,

Defendant.

**ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS**

Before the court are Defendant's motion to dismiss, filed November 25, 2011, as well as Plaintiff's application to proceed *in forma pauperis* and Plaintiff's motions to appoint counsel, for trial by jury, and for speedy trial. Plaintiff has not filed a response to the motion to dismiss.

Plaintiff's complaint is styled as a "petition to expunge illegal civil commitments." He contends that he can "easily prove that he is not, and has not been dangerous due to mental illness." The government notes that Plaintiff was charged with bank robbery on September 4, 2001, and was found not guilty by reason of insanity on February 7, 2002. Plaintiff is currently under the supervision of the U.S. Probation Office, which supervision he seeks to terminate. See Case No. 01-80550.

Plaintiff's petition does not state a claim upon which relief may be granted, however. See Fed. R. Civ. P. 12(b)(6). To the extent Plaintiff seeks to modify his supervision, his recourse is in his criminal action.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to dismiss is GRANTED and Plaintiff's motions are DENIED AS MOOT.

s/John Corbett O'Meara
United States District Judge

Date: February 17, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 17, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager